



House of Representatives

General Assembly

File No. 352

February Session, 2014

Substitute House Bill No. 5443

House of Representatives, April 3, 2014

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COVERAGE UNDER STATE MEDICAL ASSISTANCE PROGRAMS FOR CERTAIN OVER-THE-COUNTER DRUGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-280a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 Notwithstanding any provision of the general statutes, no payment
4 shall be made under a medical assistance program administered by the
5 Department of Social Services for over-the-counter drugs, except for (1)
6 the medical assistance program established pursuant to section 17b-
7 256, [for an over-the-counter drug, except for (1)] (2) insulin and
8 insulin syringes, [(2)] (3) nutritional supplements for individuals who
9 are required to be tube fed or who cannot safely ingest nutrition in any
10 other form, and as may be required by federal law, [and (3)] (4)
11 effective January 1, 2012, smoking cessation drugs as provided in
12 section 17b-278a, and (5) over-the-counter drugs that are required to be

13 covered pursuant to 42 CFR 440.347, including drugs for individuals
14 with specified diagnoses that have a rating of "A" or "B" in the current
15 recommendations of the United States Preventive Services Task Force,
16 provided the Department of Social Services may also pay for such
17 over-the-counter drugs under a medical assistance program or portion
18 thereof that is not subject to 42 CFR 440.347. On or before August 1,
19 2011, the Commissioner of Social Services shall provide notice to
20 pharmacists who provide services to beneficiaries of a medical
21 assistance program administered by the department that such
22 pharmacists may bill the department for supplies utilized in the
23 treatment of diabetes using the durable medical equipment, medical
24 surgical supply fee schedule. The commissioner shall provide a copy of
25 such notice to the joint standing committees of the General Assembly
26 having cognizance of matters relating to human services and
27 appropriations and the budgets of state agencies.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	17b-280a
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HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Social Services, Dept.	GF - Cost	Minimal	Minimal

Municipal Impact: None

Explanation

The bill is anticipated to result in a minimal fiscal impact to the Department of Social Services (DSS) to provide coverage of certain over-the-counter medications¹ for all Medicaid clients including those where coverage is required pursuant to the federal Affordable Care Act.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ The bill requires coverage for low dose aspirin for certain populations and folic acid for women planning on or capable of becoming pregnant.

OLR Bill Analysis**sHB 5443*****AN ACT CONCERNING COVERAGE UNDER STATE MEDICAL ASSISTANCE PROGRAMS FOR CERTAIN OVER-THE-COUNTER DRUGS.*****SUMMARY:**

This bill expands the list of over-the-counter drugs that the Department of Social Services (DSS) may pay for through its medical assistance programs to include those that must be covered as essential health benefits under the federal Affordable Care Act (ACA), including drugs rated “A” or “B” in the current U.S. Preventive Services Task Force (USPSTF) recommendations for people with specific diagnoses (see BACKGROUND). Currently, such drugs include (1) aspirin for men age 45 to 79 and women age 55 to 79 to prevent cardiovascular disease and (2) folic acid for women who are pregnant or capable of pregnancy. The law generally bans DSS from paying for over-the-counter drugs, with the following exceptions:

1. over-the-counter drug coverage through the Connecticut AIDS Drug Assistance Program, or CADAP;
2. insulin or insulin syringes;
3. nutritional supplements for people who must be tube fed or who cannot safely get nutrition in any other form; and
4. smoking cessation drugs.

EFFECTIVE DATE: Upon passage

BACKGROUND***USPSTF***

The USPSTF is an independent panel of primary care providers who

are experts in prevention and evidence-based medicine. They develop recommendations for primary clinicians and health systems based on scientific evidence reviews of clinical preventive health care services. The Task Force assigns preventive services it recommends a grade of “A” (there is a high certainty that the net benefit is substantial) or “B” (there is a high certainty that the net benefit is moderate or a moderate certainty that the net benefit is moderate to substantial.)

Since September 23, 2010, the ACA has required new individual and group health insurance plans to provide full coverage for preventive care and screenings that the USPSTF recommends, including vaccinations and cancer screenings (42 U.S.C.A. § 300gg-13(a)).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/18/2014)